IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14151 of 2004

Between:

M.Shakaiah, s/o.M.Mallaiah,
Post & Villag Kowdipalli Mandal, kowdipalli Medak Dist.

..... PETITIONER

AND

1 APSRTC, Musheerabad, Hyderabad, rep.by its M.D.
2 The Divisional Manager, APSRTC, Sanga Reddy, Medak Dist.
3 The Depot Manager, APSRTC, Medak Depot, Medak.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ i) declare the proceedings No.M1/ 114(2)2004-MDK dated 26-7-2004 placing the petitioner under suspension for an incident unconnected to the employment is illegal and arbitrary ii) declare the initiating of disciplinary proceedings by issuing charge sheet No. M1/114(2)2004-MDK dated 26-7-2004 is illegal and arbitrary and consequently set aside the same and pass.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.: MR.K.HARINATH

The Court made the following :

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.NO.14151 OF 2004

ORDER:

Heard both the learned counsel.

The petitioner is working as a conductor in the respondent–corporation. He was availing off from the duty on 20.07.2004 and on the same day at about 19.30 hours there was an altercation at a tea stall. In that connection, a crime was registered against the petitioner for the offences under Sections 353, 504 and 323 of the Indian Penal Code vide Cr.No.71 of 2004. The third respondent while ordering a regular enquiry against the petitioner, kept him under suspension through the order, dated 26.07.2004.

Therefore, the petitioner approached this court questioning the order of suspension and requesting to suspend the order of suspension, pending enquiry against him.

The learned counsel for the petitioner submits that since the alleged incident took place in a private premises when the petitioner was not on duty, the third respondent ought not to have resorted to suspend the petitioner from duty.

It is alleged that the petitioner assaulted another person in a private premises while he was not on duty.

Since the offences alleged against the petitioner are not serious, the situation do not warrant suspension of the petitioner. The order of suspension of the petitioner dated 26.07.2004, is therefore, set aside. The enquiry against the petitioner shall be continued and concluded within a period of two months

from the date of receipt of a copy of this order, and basing on the enquiry report, the third respondent is at liberty to pass appropriate orders.

In the result, the writ petition is disposed of with the above direction.

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(Dr.G.YETHIRAJULU, J)

Dated 11th August, 2004.

YCR

To

1 The Managing Director, APSRTC, Musheerabad, Hyderabad.
2 The Divisional Manager, APSRTC, Sanga Reddy, Medak Dist.
3 The Depot Manager, APSRTC, Medak Depot, Medak.

4. 2 C.D. copies.